

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RHONDA BROWN, a Washington resident,

Plaintiff,

v.

THE UNIVERSITY OF WASHINGTON, 5TH  
AVENUE THEATER ASSOCIATION, and 5TH  
AVENUE THEATER FOUNDATION,

Defendants.

NO. 2:18-CV-01791-MJP

**STIPULATED SETTLEMENT  
AGREEMENT AND FINAL JUDGMENT**

The parties, Plaintiff Rhonda Brown (“Brown”), and Defendant 5<sup>th</sup> Avenue Theater Association (“5<sup>th</sup> Ave.”) by their respective undersigned counsel, hereby submit pursuant to Fed. R. Civ. P. 54(c), this Stipulated Settlement Agreement and Final Judgment.

**CAUSES OF ACTION**

- A. On December 13, 2018, Plaintiff, by and through her attorneys, Conrad A. Reynoldson, Washington Civil & Disability Advocate and Mark D. Walters, REED PRUETT WALTERS LARSEN PLLC, filed an action against University of Washington and 5<sup>th</sup> Avenue Theater (“Defendants”), with the United States District Court for the Western

STIPULATED JUDGMENT - 1  
Civil Action No. 2:18-cv-01791-MJP

**GORDON REES SCULLY  
MANSUKHANI, LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: 206.695.5100  
Facsimile: 206.689.2822

District of Washington, Case No. 2:18-cv-01791 (the “Action”). The Action asserted certain legal claims under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12181 *et seq.* (“ADA”), and Washington’s Law Against Discrimination (“WLAD”) in connection with Defendants’ ownership, operation and maintenance of the 5<sup>th</sup> Avenue Theater. As set forth in the Complaint, Plaintiff brought this action on behalf of herself individually and as a disability advocate to end civil rights violations against persons with mobility disabilities.

B. Defendants dispute the claims and allegations set forth in the Action and have denied and continue to deny any liability to Plaintiff for any such claims asserted.

C. Plaintiff and Defendant 5<sup>th</sup> Ave. desire to avoid the risk, uncertainty, inconvenience and expense of litigation and have therefore decided to fully and fairly settle any and all claims asserted by Plaintiff, or that could have been asserted, under the ADA, the Washington Law Against Discrimination, and/or under any and all laws of similar import prohibiting discrimination on the basis of disability in public accommodations or business establishments (the “Disability Laws”), as well as any and all claims relating to the 5<sup>th</sup> Avenue Theaters location, as set forth and under the terms in this Agreement.

The rights and obligations of Plaintiff and 5<sup>th</sup> Ave. with respect to the matters in dispute in this suit are determined as set forth in the below following terms. All claims, counterclaims, cross-claims, and third party claims (including any amendments) are otherwise hereby dismissed with prejudice. This case is dismissed without a court award of attorney’s fees or costs to any party.

STIPULATED JUDGMENT - 2  
Civil Action No. 2:18-cv-01791-MJP

**GORDON REES SCULLY  
MANSUKHANI, LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: 206.695.5100  
Facsimile: 206.689.2822

## TERMS

### A. 5<sup>th</sup> Ave. Remediation of Architectural Barriers

1. 5<sup>th</sup> Ave. will install additional wheelchair accessible and companion seats to bring the total number of each to seventeen (17) per the 2010 ADA Standards for Accessible Design. 5<sup>th</sup> Ave. agrees to provide an updated report by Endelman & Associates to Plaintiff's Counsel confirming that the finalized ADA design plans related to the wheelchair accessible and companion seats are in compliance with the 2010 ADA Standards for Accessible Design. This will be done no later than **January 2, 2020**.
2. 5<sup>th</sup> Ave. will mount on each side of the theater ADA compliant wall mounted handrail on the outside walls which will span the entire length of the aisle in order to access the accessible seating locations near the front and on each side of the theater. This will be done no later than **September 15, 2019**.
3. 5<sup>th</sup> Ave. will lower the toilets to be between 17 inches and 19 inches to the top of the toilet seat in compliance with the ADA standards. This will be done no later than **September 15, 2019**.
4. 5<sup>th</sup> Ave. will add pipe insulation to under lavatories and sinks to protect against contact by users of wheelchairs and mobility devices. This will be done no later than **September 15, 2019**.
5. 5<sup>th</sup> Ave. will implement and/or update its Accessibility Services manual to keep the area around the water fountains clear of any obstructions. This will be done no later than **September 15, 2019**.

1  
2 **B. 5<sup>th</sup> Ave. Remediation of ADA Ticket Sales and Website**

- 3 1. After the remediation of the wheelchair and accessible companion seats has been  
4 completed, 5<sup>th</sup> Ave. will update its website seat map and ticket purchasing policy to  
5 reflect the location and number of wheelchair and accessible companion seats. This  
6 will be completed within 30 days from completion of the work.  
7  
8 2. 5<sup>th</sup> Ave. will update its current website seat map and ticket purchasing policy no later  
9 than **September 15, 2019**, to reflect all available wheelchair accessible and companion  
10 seats.  
11  
12 3. 5<sup>th</sup> Ave. will adopt a Personal Care Attendant (“PCA”) policy where any guest with a  
13 disability that requires a PCA present to be able to perform daily living activities, will  
14 receive a complimentary ticket and an adjacent ADA seat next to the guest. This policy  
15 will not be publicly posted and the guest will have to affirmatively request the  
16 complimentary ticket for the PCA to attend. To make a PCA request the guest should  
17 call **206-625-1900**, and speak to the manager on duty. This policy will be in effect as  
18 of **August 1, 2019**.  
19  
20 4. Upon completion of “5<sup>th</sup> Ave. Remediation” as described above in Sections (A) and  
21 (B), the 5<sup>th</sup> Ave. shall provide written notice within thirty (30) days, to Plaintiff’s  
22 counsel Conrad A. Reynoldson and Mark D. Walters, that the Remediation is  
23 completed and in compliance with 2010 ADA Standards for Accessible Design.  
24  
25  
26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

- \$27,406 made payable to Washington Civil & Disability Advocate; and
- \$8,094 made payable to Reed Pruett Walters Larsen, PLLC.

REED PRUETT WALTERS LARSEN PLLC

Mark D. Walters, WSBA #25537  
11120 N.E. 2nd Street, Suite 200  
Bellevue, Washington 98004  
Tel.: 425.688.7620  
Email: [mwalters@rpwlawfirm.com](mailto:mwalters@rpwlawfirm.com)

WASHINGTON CIVIL &amp; DISABILITY ADVOCATE

Conrad A. Reynoldson, WSBA #48187  
4115 Roosevelt Way NE, Suite B  
Seattle, Washington 98105  
Tel.: 206.876.8515  
Email: Conrad@wacda.com

**GORDON REES SCULLY  
MANSUKHANI, LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: 206.695.5100  
Facsimile: 206.689.2822

1 Dated: June 10, 2019.

GORDON REES SCULLY MANSUKHANI, LLP

2 By: /s/ Sarah N. Turner  
Sarah N. Turner, WSBA #37748

3 By: /s/ Goldie A. Davidoff  
4 Goldie A. Davidoff, WSBA #53387  
5 701 5th Avenue, Suite 2100  
Seattle, Washington 98104  
Tel.: 206.695.5100

6 Attorneys for Defendants  
7 5<sup>th</sup> Avenue Theater Association and  
8 5<sup>th</sup> Avenue Theater Foundation  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 STIPULATED JUDGMENT - 6  
Civil Action No. 2:18-cv-01791-MJP


**GORDON REES SCULLY  
MANSUKHANI, LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: 206.695.5100  
Facsimile: 206.689.2822

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**ORDER**

Based on the above terms, it is hereby ORDERED that upon the terms of the Stipulated Settlement Agreement and Final Judgment between Plaintiff and Defendant 5<sup>th</sup> Ave., dismissal of this matter is with prejudice, without fees and costs awarded to either party.

DATED this 11th day of June, 2019.

  
Marsha J. Pechman  
United States District Judge

Presented by:

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Sarah N. Turner  
Sarah N. Turner, WSBA #37748  
By: /s/ Goldie A. Davidoff  
Goldie A. Davidoff, WSBA #53387  
701 5th Avenue, Suite 2100  
Seattle, Washington 98104  
Tel.: 206.695.5100

Attorneys for Defendants  
5th Avenue Theatre Association and  
5th Avenue Theatre Foundation

STIPULATED JUDGMENT - 7  
Civil Action No. 2:18-cv-01791-MJP

**GORDON REES SCULLY  
MANSUKHANI, LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: 206.695.5100  
Facsimile: 206.689.2822

1 **CERTIFICATE OF FILING AND SERVICE**

2 The undersigned hereby certifies that on June 10, 2019, she filed the foregoing document  
3 using the Court's ECF filing system, which will send copies to all attorneys of record.

4 DATED: June 10, 2019.

5 /s/ Dana Klasky  
6 Dana Klasky, Legal Assistant  
7 [Office@wacda.com](mailto:Office@wacda.com)  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 117213524446139-1

25  
26 STIPULATED JUDGMENT - 8  
Civil Action No. 2:18-cv-01791-MJP

**GORDON REES SCULLY  
MANSUKHANI, LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: 206.695.5100  
Facsimile: 206.689.2822